

**CM Nos.1797 and 1798 of 2016 in/and
RA No.45 of 2016 in
CWP No.7711 of 2006**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM Nos.1797 and 1798 of 2016 in/and
RA No.45 of 2016 in
CWP No.7711 of 2006
Date of decision: 26.07.2016**

M/s Neelam Carpets & another

.....Petitioners

Versus

State of Haryana & ors.

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

**Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kulwant Singh, Advocate for the review petitioners.**

SURYA KANT, J (ORAL).

This review application seeks to recall the order dated 30.03.2007 whereby the review applicants' writ petition challenging the acquisition of land alongwith industrial unit set up thereupon within the Revenue Estate of Panipat, was dismissed.

The review application is accompanied by an application seeking condonation of delay of 3017 days in filing the review application. It is averred in the review application that against the dismissal of the writ petition on 30.03.2007, SLP No.12839 of 2009 was filed before the Hon'ble Supreme Court which was dismissed as withdrawn on 27.11.2009. The

review applicants, thereafter, are said to have obtained some information under the RTI Act, in the month of March, 2015. Based upon such information, they filed a fresh writ petition in this Court i.e. CWP No.8002 of 2015, which was dismissed as withdrawn on 29.04.2015.

Even, thereafter, the review applicants took eight months' time to hone their mind whether or not to file the instant review application. This is how the delay of 3017 days has occurred.

We have heard learned senior counsel in support of the application for condonation of delay.

In our considered view, there is no reasonable explanation whatsoever for condonation of delay running into years and years.

The application is, accordingly, dismissed.

Even on merits also, no case to review or recall the order dated 30.03.2007 is made out. The Division Bench expressly dealt with the plea of discrimination raised by the petitioners but having found that the petitioners' acquired land fell within the green belt and could not be released, the petitioners' claim was rejected. It is now contended that instead of utilising the land for green belt, a railway over-bridge has been constructed.

In our considered view, the construction of railway over-bridge is also a bonafide public purpose of paramount importance. Nothing precludes the State Government to divert the public purpose of acquired land and utilise it for a bonafide public purpose other than for which the land was originally acquired. Once the acquired land vests in State free from all

encumbrances, it can be utilised for any public purpose.

Dismissed.

(SURYA KANT)
JUDGE

July 26, 2016
ps

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No